

TTAB

01-24-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #01

I hereby certify that on January 21, 2003, this correspondence and all listed attachments are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Box TTAB, NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Dorie Choderker
Name: Dorie Choderker

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application S.N. 75/192,629 in Class 35
Published September 29, 1998 at TM 304

VIACOM INTERNATIONAL INC.,

Petitioner,

Opposition No.: 112,850

-against-

MINATAUR PRODUCTIONS, INC.,

Registrant.

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Box TTAB
NO FEE
Commissioner For Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Madam/Sir:

Applicant Minataur Productions, Inc. ("Applicant") hereby answers the Notice of
Opposition as follows:

1. Applicant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 1 of the Notice of Opposition and, accordingly, denies the same.

2. Applicant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 2 of the Notice of Opposition and, accordingly, denies the same.

3. Applicant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 3 of the Notice of Opposition and, accordingly, denies the same.

4. Applicant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 4 of the Notice of Opposition and, accordingly, denies the same.

5. Applicant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 5 of the Notice of Opposition and, accordingly, denies the same.

6. Applicant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 6 of the Notice of Opposition and, accordingly, denies the same.

7. Applicant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 7 of the Notice of Opposition and, accordingly, denies the same.

8. Applicant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 8 of the Notice of Opposition and, accordingly, denies the same.

9. Applicant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 9 of the Notice of Opposition and, accordingly, denies the same.

10. Applicant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 10 of the Notice of Opposition and, accordingly, denies the same.

11. Applicant denies the allegations of paragraph 11 of the Notice of Opposition that on November 4, 1996, Applicant filed an application to register the mark CHANNEL M for “dissemination of advertising matter; providing television advertising for others; advertising for others via an on-line electronic communication network; dissemination of; business management planning; production and distribution of radio and television commercials; services relating to promotional campaigns and events, namely, development and dissemination of advertising matter, samples or promotional products” in International Class 35, alleging a date of first use of December, 1988 and a date of first use in commerce of December 1989. Applicant admits that on November 4, 1996, its predecessor in interest filed an application to register the mark CHANNEL M, alleging a date of first use of December, 1988 and a date of first use in commerce of December, 1989. Applicant denies the remaining allegations of paragraph 11 of the Notice of Opposition.

12. Applicant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 12 of the Notice of Opposition and, accordingly, denies the same.

13. Applicant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 13 of the Notice of Opposition.

14. Applicant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations of paragraph 15 of the Notice of Opposition.

16. Applicant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 16 of the Notice of Opposition and, accordingly, denies the same.

17. Applicant denies the allegations of paragraph 17 of the Notice of Opposition.

18. Applicant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 19 of the Notice of Opposition that Opposer uses its alleged mark MTV: MUSIC TELEVISION or its alleged mark MTV or whether such alleged marks have obtained goodwill or fame, and accordingly, denies the same. Applicant denies the remaining allegations of paragraph 18 of the Notice of Opposition.

AFFIRMATIVE DEFENSE

Applicant requests that the identification of the services in its Application Serial No. 75/192,629 be amended to read as follows: "providing television advertising for others for closed circuit television; production and distribution of television commercials for closed circuit television; services relating to promotional campaigns and events, namely, development and dissemination of advertising matter, samples or promotional products for others." The foregoing amendment further clarifies Applicant's use of the mark CHANNEL M. The Applicant is at

least entitled to maintain Application Serial No. 75/192,629 with the restricted identification of services.

WHEREFORE, Applicant prays that Opposer's Notice of Opposition be dismissed in its entirety.

Respectfully submitted,

Dated: January 21, 2003



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Attorney for Applicant
Minataur Productions, Inc.


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 21, 2003, a copy of the foregoing
APPLICANT'S ANSWER TO NOTICE OF OPPOSITION is being deposited with the United
States Postal Service as First Class Mail in an envelope addressed to:

Michael Chiapetta, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017

The same being the attorneys for Opposer.

Dated: 1/21/03


Dorie Choderker